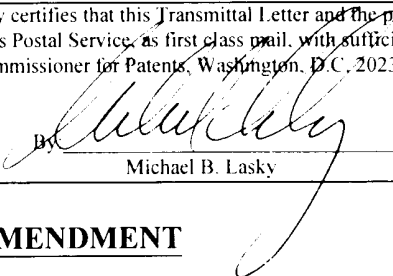


P. Smith
E. J.
J. L.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KINGSMAN et al. Docket No.: 9192.5USWO
Filed: Intl Filing Date January 23, 1997 Serial No: 09/117.071
Title: RETROVIRAL VECTOR AND ITS USE IN GENE THERAPY

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Box PCT Assistant Commissioner for Patents, Washington, D.C. 20231, on October 21, 1998.


Michael B. Lasky

PRELIMINARY AMENDMENT

Honorable Commissioner of
Patents & Trademarks
Washington, D. C. 20231

Dear Sir:

In connection with the above-identified application filed herewith, please enter the following preliminary amendment:

IN THE CLAIMS

Please cancel claims 1 to 21 and add the following new claims:

NEW CLAIMS:

22. A method of preparing a replication defective retroviral vector in a subject, wherein the replication defective retroviral vector comprises at least one therapeutically active gene for delivery to a cell within a subject, wherein the replication defective retroviral vector does not comprise *env*, *gag*, and *pol* genes, wherein the method comprises expressing within a producer cell within the patient a set of DNA sequences capable of producing the replication defective retroviral vector wherein the set of DNA sequences comprises:

(i) a DNA construct comprising the at least one therapeutically active gene

that is capable of expressing a functional protein having a function, and

(ii) a DNA construct or constructs encoding *gag*, *pol*, and *env*

such that construct (i) is packaged and delivered to the cell; and